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December 21, 2022

**Sent Via ECF filing**

The Honorable Lorna G. Schofield  
United States District Court, SDNY  
500 Pearl Street  
New York, NY 10007

**RE: *Powers v. Memorial Sloan Kettering Cancer Center*, case no. 1:20-cv-02625-LGS;  
Joint letter regarding scheduling**

Dear Judge Schofield:

The parties submit this letter in response to your Honor's order. (Doc. 397). The Court set this matter to begin trial March 30, 2023. Counsel for Plaintiff recently learned that a key expert witness who Plaintiff intends to call during the first part of his case in chief has a firm obligation he cannot break the week of April 3–7, 2023. This came to Plaintiff's counsel's attention after the Court's deadline to report scheduling conflicts for the current trial setting. Plaintiff is willing to begin April 10, 2023 but does not object to accommodating the defendants' scheduling issue described below. If Your Honor decides to begin the trial after April 21, 2023, as Defendants request, another key witness of Plaintiff is unavailable the week of May 1–5, 2023; he is, however, available to testify the week of April 24, 2023.

Defendants are prepared to proceed to trial on March 30, 2023 but have no objection to plaintiff's request for an adjournment. However, the defendant Dr. Sofocleous blocked time from March 30<sup>th</sup> to April 16<sup>th</sup> for the trial and planned to block additional time as needed. He was asked to attend and present at the European Conference on Interventional Oncology in Stockholm from April 16<sup>th</sup> to April 19<sup>th</sup> and because of the trial, could not commit. The conference involves consensus meetings on various committees of which he is a member and presentations he has been asked to make. If the trial is to be adjourned, Defendants respectfully request that he be permitted to attend the conference, and that the trial be scheduled some time after April 21, 2023 to permit Dr. Sofocleous to travel back to New York.

There are no urgent matters in need of immediate resolution by the Court, but the parties would appreciate knowing whether the Court can accommodate the scheduling issues as soon as is convenient for the Court. In addition, Defendants respectfully note that the Court's decisions on the parties' motions *in limine* remain pending and would streamline the preparation of the final pretrial order due February 14, 2023 (Doc. 388).



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Respectfully Submitted,

HENDLER FLORES LAW, PLLC

A handwritten signature in black ink, reading "Scott M. Hendler", written over a horizontal line.

Scott M. Hendler – *Pro Hac Vice*

*Attorney for Plaintiff*

Kaufman Borgeest & Ryan LLP

A handwritten signature in blue ink, reading "Andrew S. Kaufman", written over a horizontal line.

Andrew S. Kaufman

*Attorney for Defendants*